



Prosecuting Attorneys Association of Michigan

116 W. Ottawa Street ~ Suite 200
Lansing, Michigan 48913
(517) 334-6060 ~ FAX: 334-6351
www.michiganprosecutor.org

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March 14, 2011

The Honorable John Walsh
Chairman, House Judiciary
P.O. Box 30014
Lansing, MI 48909-7514

Dear Chairman Walsh:

Re: SB 188, 189, 206 (Federal Compliance with Sex Offender Registry)

The Prosecuting Attorneys Association of Michigan supports the above listed bills. These bills accomplish the following purposes:

Brings Michigan into compliance with the Federal Adam Walsh Act.

1. Removes juvenile offenders who committed less serious offenses from the registry.
2. Removes all juvenile offenders from the public registry.
3. Removes teenagers who engage in sexual activity in a "Romeo and Juliet" situation from the registry.
4. Narrows Michigan's public registry to violent offenders and those who prey on children, thereby making the public website a more useful tool for public safety.

We urge your committee to report these bills. Thank you for your consideration.

Sincerely,

Ronald D. Schafer
President



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March 17, 2011

The Honorable John Walsh
Chair
House Judiciary Committee
Michigan House of Representatives
P.O. Box 30014
Lansing, MI 48909-7514

Dear Chairman Walsh:

Re: Amendment for Determining Consent

On behalf of the Prosecuting Attorneys Association of Michigan I am writing to express our support for SB 188 and 189 as passed by the Senate and for the amendment offered on behalf of victims. This amendment will create a *process* for determining whether the so called "Romeo and Juliet" exception to registration should be allowed.

A person under the age of 16 cannot legally consent to sexual activity. Accordingly, consent is irrelevant to determining whether a person committed criminal sexual conduct. SB 188 appropriately recognizes that people who engage in consensual under age sexual conduct do not belong on the sex offender registry. In most cases, the question of whether the underage sex was consensual will be obvious and agreed to by the defense, prosecution and judge. *In those few cases* where there is a dispute, this amendment creates a process for the judge to determine the underlying facts.

The proposed procedure mirrors the current process that allows some individuals to petition for removal from the registry. The petitioner has the burden of showing that he or she was within 3 years of age of the victim and that the sex was consensual. This hearing is appropriately held post-conviction because the issue of consent is legally irrelevant to the question of guilt or innocence. Moreover, by holding the hearing post-conviction, the defendant can testify in his or her own behalf without fear that the testimony will be used against him or her at trial.

Finally, this procedure protects young victims of sexual assault from having to unnecessarily relate the details of the crime in a public setting.

Thank you for your consideration.

Sincerely,

Ronald J. Schafer
President